

110TH CONGRESS  
1ST SESSION

# H. R. 1497

To amend the Lacey Act Amendments of 1981 to extend its protections to plants illegally harvested outside of the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2007

Mr. BLUMENAUER (for himself, Mr. WEXLER, and Mr. WELLER of Illinois) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To amend the Lacey Act Amendments of 1981 to extend its protections to plants illegally harvested outside of the United States, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Legal Timber Protec-  
5       tion Act”.

1 **SEC. 2. EXTENSION OF PROTECTIONS OF LACEY ACT**  
2 **AMENDMENTS OF 1981 TO PLANTS ILLE-**  
3 **GALLY HARVESTED OUTSIDE THE UNITED**  
4 **STATES.**

5 (a) AMENDMENTS TO DEFINITIONS.—

6 (1) PLANT.—Section 2(f) of the Lacey Act  
7 Amendments of 1981 (16 U.S.C. 3371(f)) is amend-  
8 ed to read as follows:

9 “(f) The term ‘plant’ means any wild member of the  
10 plant kingdom, including roots, seeds, parts, and products  
11 thereof (but excluding common food crops and  
12 cultivars).”.

13 (2) SECRETARY.—Section 2(h) of the Lacey  
14 Act Amendments of 1981 (16 U.S.C. 3371(h)) is  
15 amended by inserting “also” after “term” the sec-  
16 ond place it appears.

17 (3) TAKEN.—Section 2(j) of the Lacey Act  
18 Amendments of 1981 (16 U.S.C. 3371(j)) is amend-  
19 ed by inserting “harvested,” after “killed,”.

20 (b) AMENDMENTS TO PROHIBITIONS.—

21 (1) AMENDMENTS.—The Lacey Act Amend-  
22 ments of 1981 is amended—

23 (A) in section 3(a)(2) (16 U.S.C.  
24 3372(a)(2)), by striking “or” after the semi-  
25 colon at the end of subparagraph (B), by redes-  
26 ignating subparagraph (C) as subparagraph

1 (D), and by inserting after subparagraph (B)  
2 the following:

3 “(C) any plant taken in a foreign country,  
4 that is—

5 “(i) taken, transported, or sold with-  
6 out authority required by, or in violation  
7 of, any law that applies at the place where  
8 the harvest, taking, transport, or sale oc-  
9 curs, including any such taking in a park,  
10 forest reserve or other officially protected  
11 area;

12 “(ii) taken without paying royalties,  
13 taxes, or stumpage fees required by the  
14 law of the place where the taking occurs;

15 “(iii) exported or transhipped in viola-  
16 tion of any limitation under any applicable  
17 law;

18 “(iv) taken, exported, or transshipped  
19 in violation of any international law, trea-  
20 ty, or international agreement; or

21 “(v) without any official documenta-  
22 tion of compliance with clauses (i) through  
23 (iv) that is required under the regulations  
24 issued under section 7(a)(3);”;

1 (B) in section 3(a)(3) (16 U.S.C.  
2 3372(a)(3)), by striking “, or” at the end of  
3 subparagraph (A) and inserting a semicolon,  
4 and by inserting after subparagraph (B) the  
5 following:

6 “(C) to possess any plant taken in a for-  
7 eign country, that is—

8 “(i) taken, transported, or sold with-  
9 out authority required by, or in violation  
10 of, any law that applies at the place where  
11 the harvest, taking, transport, or sale oc-  
12 curs, including any such taking in a park,  
13 forest reserve or other officially protected  
14 area;

15 “(ii) taken without paying royalties,  
16 taxes, or stumpage fees required by the  
17 law of the place where the taking occurs;

18 “(iii) exported or transhipped in viola-  
19 tion of any limitation under any applicable  
20 law;

21 “(iv) taken, exported, or transshipped  
22 in violation of any international law, trea-  
23 ty, or international agreement; or

24 “(v) without any official documenta-  
25 tion of compliance with clauses (i) through

1 (iv) that is required under the regulations  
2 issued under section 7(a)(3);” and

3 (C) in section 3(b) (16 U.S.C. 3372(b)) by  
4 inserting “or plant” after “fish or wildlife”.

5 (2) REQUIREMENT TO ISSUE REGULATIONS.—

6 (A) IN GENERAL.—Section 7(a) of the  
7 Lacey Act Amendments of 1981 (16 U.S.C.  
8 3376(a)) is amended by adding at the end the  
9 following:

10 “(3) The Secretary—

11 “(A) shall issue regulations to implement  
12 paragraphs (2)(C) and (3)(C) of section 3(a);  
13 and

14 “(B) may issue regulations under those  
15 paragraphs that establish requirements for offi-  
16 cial documentation for purposes of paragraph  
17 (2)(C)(v) or (3)(C)(v) (or both).”.

18 (B) DEADLINE.—The Secretary shall issue  
19 regulations under section 7(a)(3) of such Act,  
20 as amended by subparagraph (A) of this para-  
21 graph, by not later than 180 days after the  
22 date of the enactment of this Act, and may  
23 issue additional regulations under that section  
24 after such date.

1           (3) CONFORMING AMENDMENTS.—Section 3(e)  
2       of the Lacey Act Amendments of 1981 (16 U.S.C.  
3       3372(e)) is amended in each of paragraphs (1) and  
4       (5) by striking “subsection (a)(2)(C)” and inserting  
5       “subsection (a)(2)(D)”.

6       (c) AMENDMENTS REGARDING ADMINISTRATION.—  
7       Section 7(a)(2) of the Lacey Act Amendments of 1981 (16  
8       U.S.C. 3376(a)(2)) is amended—

9           (1) by striking “and Commerce” and inserting  
10       “, Commerce, and Agriculture”;

11          (2) by inserting “or plants” after “fish or wild-  
12       life”; and

13          (3) in the second sentence by inserting “, with  
14       respect to fish or wildlife,” after “regulations”.

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